

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Petition for Rulemaking) RM No. 9567
Amendment of Section 73.3598 of)
the Commission's Rules)

To: The Commission

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COMMENTS OF
PAXSON COMMUNICATIONS CORPORATION

Paxson Communications Corporation ("Paxson"), by its attorneys, hereby submits its comments in response to the FCC's Public Notice regarding the above-captioned petition for rulemaking filed by Entravision Holdings, LLC ("Entravision").^{1/} Paxson is pleased that the Commission is seeking comment on the Entravision Petition and urges the Commission to begin a proceeding to amend Section 73.3598 and other of its rules in an effort to create the proper regulatory setting to increase diversity in the broadcast industry.^{2/}

I. Paxson's Commitment to Broadcast Diversity.

Paxson and its Chairman and controlling shareholder, Lowell W. Paxson, have a long and successful history of assisting the entry of new and minority owners into broadcasting.

^{1/} *Public Notice*, Petition for Rulemaking filed by Entravision Holdings, LLC, DA 99-648, RM-9567 (released April 8, 1999) ("Entravision Petition").

^{2/} Entravision asks that the Commission begin a rulemaking to amend 47 C.F.R. § 73.3598, the rule that limits the period of construction for broadcast station construction permits to three years absent exceptional circumstances (the "Entravision Proposal"). Under the Entravision Proposal, entities with significant minority group participation or proposing to meet the broadcasting needs of minority group populations could obtain a construction permit that would otherwise be declared forfeited and receive an additional two years to complete construction.

When Mr. Paxson was President of Home Shopping Network, Inc. ("HSN"), HSN launched under Mr. Paxson's direction an initiative to assist minorities in constructing and acquiring television stations. Without utilizing tax certificates or requesting any other preferential government treatment, HSN funded the construction or acquisition of seven minority-owned television stations and entered into affiliation agreements with another half-dozen minority stations to provide them with the programming necessary to sustain their operations. As a result, as of June 30, 1994, 31 % of minority-owned commercial television stations in the United States were HSN affiliates (10 stations) and 25 % (8 stations) received construction/acquisition assistance and funding from HSN.

As Chairman of Paxson and PAXTV, the seventh over-the-air broadcast network, Mr. Paxson has continued to provide funding for the construction of new television stations owned and controlled by minorities and new entrants to the broadcast industry. To date, Paxson and PAXTV have assisted in the construction and programming of over a dozen television stations owned by African-Americans and Hispanics. These efforts reflect Paxson's belief not only that the PAXTV network will benefit from as wide and diverse an over-the-air distribution system as possible, but also that expanding minority ownership of television stations is, very simply, the right thing to do.

Given Mr. Paxson's commitment to diversity, it was no surprise in 1998 when Paxson answered FCC Chairman Kennard's call for ideas and proposals to increase broadcast diversity. In a speech before the National Association of Broadcasters in April 1998, Chairman Kennard challenged broadcasters "to develop ideas to promote opportunity for

ownership by minorities and women within the broadcasting industry.”^{3/} Paxson responded to this challenge on July 1, 1998 by submitting its “Proposal to the FCC to Increase Broadcast Diversity.”^{4/} Like the Entravision Proposal, Paxson’s initiative would provide increased business opportunities in the broadcast industry for minorities, women and other new entrants. Paxson believes that combining elements of its proposal with certain of the elements from the Entravision Proposal would provide Chairman Kennard and the broadcast industry as a whole with a feasible means to actively “promot[e] the vibrancy that comes with diversely owned media outlets.”^{5/}

II. Paxson Diversity Proposal.

Mr. Paxson is well aware that having an FCC license is only one piece of the complicated television broadcasting puzzle. Along with the FCC license, a broadcast station owner needs access to capital to build a station and to finance its ongoing operations and must have strong quality programming to attract viewers and advertisers for the long term.

Accordingly, Paxson’s Diversity Proposal sought to increase minority and new entrant ownership of broadcast facilities through a combination of station construction financing and programming investment by existing broadcasters. Paxson suggested that the Commission

^{3/} Chairman Kennard Asks the Broadcast Industry for Help in Creating Broadcasting Opportunities for Minorities and Women,” News Release, April 7, 1998 (“*Diversity News Release*”).

^{4/} Attached as Exhibit A is Paxson’s proposal: “*A Proposal to the FCC to Increase Broadcast Diversity*” (the “Paxson Diversity Proposal”).

^{5/} *Diversity News Release*.

permit minority, female and new entrants to enter into agreements with existing broadcasters that could include one or more of the following provisions:

- Investment of up to a 33% equity interest (a non-voting interest if the entity owns another station in the same Designated Market Area (“DMA”)) to provide financing for the construction of the station regardless of the FCC’s ownership rules or cross-interest policies; this ownership interest would not count for purposes of the 35% national audience cap and station contour overlap would not be prohibited if the stations are licensed to separate DMAs.
- Permitting a network or programming source to provide programming to the station (which could be in conjunction with providing the construction financing) for a 10-year term regardless of current rules or the FCC’s final determination on television duopolies and/or the grandfathering of time brokerage agreements.
- Sharing of technical facilities and personnel consistent with licensee control protections as currently set forth in FCC rules and policies.

Paxson firmly believes that these types of initiatives are critical to ensuring that new entrants have the ability not only to enter but also to thrive and succeed in the broadcast industry.

III. Entravision Proposal.

Like Paxson’s Diversity Proposal, the Entravision Petition provides the Commission with innovative and viable options to increase broadcast ownership diversity. Permitting minorities to apply for otherwise forfeited broadcast construction permits would ensure that spectrum does not lie fallow and indeed is licensed to and operated by entities committed to serving the public interest. However, such opportunities should not be limited to minority entrants. Instead, eligibility to apply for an otherwise-forfeited construction permit and an extended construction period should be made available to both minority-controlled entities and non-minority-controlled entities that are new to the broadcasting industry. As set forth in the Paxson Diversity Proposal, any “qualified entity,” *i.e.*, (a) any entity holding an attributable

ownership in no more than three stations; (b) a minority-controlled entity; or (c) a female-controlled entity, should be eligible to participate.

Further, minority and female ownership and control of an entity should be determined in accordance with existing FCC ownership rules and policies -- such entities must be at least 50% minority or female owned and controlled to be eligible for a forfeited construction permit. Entravision's proposed 20% minority ownership is simply too low to have any meaningful impact on diversity. Entravision states that this low level of ownership was chosen so that the Entravision Proposal could meet the restrictions required by the Supreme Court's decision in *Adarand Constructors, Inc. v. Peña*.^{6/} Because the Entravision Proposal would not be "aimed only at minorities" or be a program "that only minorities qualify for,"^{7/} Entravision argues that the Entravision Proposal would meet the restrictions in *Adarand*. While any new FCC rule must meet constitutional requirements, such a low threshold of minority ownership and no requirement for minority control would not have the desired result of increasing broadcast diversity.^{8/}

Entravision also has proposed that an entity would qualify to apply for an otherwise-forfeited construction permit and an extended construction period if it commits to provide specialized programming "aimed at minority-group members or in foreign languages."

^{6/} 115 S. Ct. 2097 (1995) ("*Adarand*"); Entravision Petition at 6.

^{7/} *Id.*

^{8/} The prompt issuance of a notice of proposed rulemaking would enable the Commission to explore options for minority and female ownership benchmarks that would satisfy constitutional requirements.

Paxson believes that adoption of this aspect of the Entravision Proposal would clearly violate the First Amendment and, therefore, should not be adopted. It is not for the Commission to decide what programming is properly “aimed at minority-group members.” Indeed, any attempt by the Commission to do so would require the Commission to engage in viewpoint-based discrimination that is unacceptable under the First Amendment. As the Supreme Court has stated,

[i]t is axiomatic that the government may not regulate speech based on its substantive content or the message it conveys. . . . In the realm of private speech or expression, government regulation may not favor one speaker over another. Discrimination against speech because of its message is presumed to be unconstitutional.^{9/}

Moreover, as the Court recognized, discrimination based on the viewpoint of a speaker is the most pernicious type of government interference with speech:

When the government targets not subject matter but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant. Viewpoint discrimination is thus an egregious form of content discrimination. The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.^{10/}

Because the Commission cannot promote programming “aimed at minority-group members” without engaging in unconstitutional viewpoint discrimination, this aspect of the Entravision Proposal should not be adopted.

^{9/} *Rosenberger v. Rector and Visitors of the Univ. of Virginia*, 115 S. Ct. 2510, 2516 (1995).

^{10/} *Rosenberger*, 115 S. Ct. at 2516.

IV. Conclusion

Entravision with its 1999 Petition, and Paxson with its July 1998 Proposal, have answered Chairman Kennard's challenge by submitting viable proposals designed specifically to increase diversity of broadcast ownership. Broadcasters cannot launch these initiatives by themselves, however. The FCC must now take the next step by opening a rulemaking proceeding to examine these and possibly other alternatives for increasing diversity in the broadcast industry. Paxson urges the Commission to act quickly to open such a proceeding.

Respectfully submitted,

PAXSON COMMUNICATIONS CORPORATION

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May 24, 1999

Exhibit A

A Proposal to the FCC To Increase Broadcast Diversity

July 1, 1998



**A PROPOSAL
TO THE
FCC
TO INCREASE
BROADCAST DIVERSITY**

**PAXSON COMMUNICATIONS
CORPORATION**
Lowell W. Paxson
Chairman

July 1, 1998

Paxson Communications Corporation
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An American Stock Exchange Company Symbol PAX
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A PROPOSAL TO THE FCC TO INCREASE BROADCAST DIVERSITY

Paxson Communications Corporation offers the following proposal for a joint government—private industry initiative to increase the diversity of television station ownership. This joint industry-government initiative could easily lead to the construction and initiation of operations of one hundred new full-power commercial television stations by the end of 1999, many of which will be owned by first time entrants into broadcasting, minorities or women, and in the process, answer Chairman William E. Kennard's challenge to create new opportunities in broadcasting. The proposal relies principally on the efforts of private industry, and particularly the new, emerging broadcast networks in the country, but its success will depend upon a partnership with the government and requires the efforts of the Federal Communications Commission ("FCC").

PAXSON COMMUNICATIONS CORPORATION

Paxson Communications Corporation ("PCC") owns and operates the largest broadcasting television station group in the United States. PCC currently owns or programs 58 television stations and has 8 affiliates carrying PCC's current network television programming. Upon completion of pending acquisitions, construction projects and other transactions, PCC will have 80 owned, operated and affiliated television stations including television stations in all of the top 20 television markets and 43 of the top 50 television markets reaching nearly 70 million television households or 74% of the television households in the country. Over the past 24 months, PCC has constructed 17 new full power television stations and substantially upgraded the technical facilities of an additional 20 stations. On August 31, 1998, PCC will launch its PAX NET Television Network providing programming seven days a week, 24 hours a day generally consisting of family-oriented traditional entertainment television programming including a variety of off-network drama, situation comedy, talk and information programs and movies. In connection with the launch of PAX NET, PCC continues to seek affiliations with additional television stations to extend its nationwide audience reach.

INTRODUCTION

The television broadcasting industry is extremely competitive in the United States. As of May 31, 1998, the FCC reported that there were a total of 1,211 commercial television stations in operation of which 652 were UHF stations and 559 were VHF stations. There were an additional 368 educational television stations in operation of which 243 were UHF and 125 were VHF stations.^{1/} Television stations not only compete against each other but with other advertising media in their individual

^{1/} As of May 31, 1998, there also were over 2,000 low power television stations and nearly 5,000 television translator stations.

markets including newspapers, radio, magazines, outdoor advertising, transit advertising, direct mail marketing and cable television networks. If anything, competition in the industry is increasing as radio consolidation continues, cable television expands and the advertising market continues to attract non-broadcast entrants such as DBS.

Certain barriers to entry do exist for the commercial television industry including the following three factors: the number of FCC-issued licenses for television stations; the need for extensive capital to build or buy a station; and, the availability of desirable programming to broadcast on the station in a profitable manner. The ownership and operation of a television station requires the issuance of a license from the FCC and the number of television stations that can operate in a given market is limited by a number of factors including engineering/technical constraints administered by the FCC in its licensing function. Capital is essential and the cost of constructing a television station (particularly with the advent of DTV conversion) is substantial. Finally, programming is the key to obtaining sufficient audience ratings which can then be converted into advertising revenue on both a national and local basis. These barriers to entry are interrelated since new entrants may not have the capital strength to enable them to purchase a broadcast station and those entities holding an FCC authorization to build a new station may not have access to programming to create a successful venture.

MINORITY BROADCAST OWNERSHIP

Minority ownership of broadcast stations historically has been at a very low level and has been attributed to a number of factors including the barriers to entry noted above. Since 1978, the FCC has been actively involved in programs to encourage minority ownership in broadcasting and has advanced a number of initiatives on its own and in conjunction with Congress. Those policies, which have included the tax certificate program, the minority distress sales policy, comparative hearing enhancements and rule waivers, have not produced significant increases in the number of minority owned television stations. In fact, a five-year review of minority television ownership by the National Telecommunications and Information Administration ("NTIA") concluded that minority television ownership has changed very little in the period from 1992 to 1997. According to the NTIA, minority television ownership in those years was as follows:

YEAR	MINORITY	BLACK	HISPANIC	ASIAN
1992	34	20	7	7
1993	29	20	8	1
1994	32	22	9	1
1995	38	28	9	1
1996-1997^{2/}	38	28	9	1

The greatest increase in minority television ownership occurred in the five year period from 1986 to 1991 when PCC's Chairman, Lowell W. Paxson, was President of Home Shopping Network, Inc. ("HSN") and, under his direction, HSN launched an initiative to expand the number of minority-owned television stations. This effort reflected HSN's belief that it would be a wise business investment and a good programming opportunity for HSN if these new television stations affiliated with and broadcast the HSN programming, but it also reflected Mr. Paxson's commitment to expand minority ownership of television stations because it was the right thing to do.

Without utilizing tax certificates or obtaining any other preferential government treatment, HSN funded the construction or acquisition of seven minority-owned television stations and entered into affiliation agreements with another half dozen minority stations to provide them with the programming necessary to sustain their operations. As a result, as of June 30, 1994, 31% of minority-owned commercial television stations in the country were HSN affiliates (10 stations) and 25% (8 stations) had their construction/acquisition funded by HSN. A number of those minority-owned stations remain HSN affiliates while many have moved on to other programming formats. In other words, HSN's programming was the mainstay and principal source of revenue for nearly 1/3 of all minority television stations in the country in 1994 and most of these stations were financed by HSN. This included stations in such large markets as Chicago, St. Louis, Washington, D.C., Orlando and Detroit.

^{2/} The August, 1997 NTIA report of minority television ownership numbers should be revised as follows: 43 Minority; 34 Black; and 9 Hispanic. This reflects the ownership by Whitehead Media, Inc. of Television Stations KPST-TV, Vallejo, California, WNGM-TV, Athens, Georgia and WOAC-TV, Canton, Ohio; the ownership by Roberts Broadcasting Company of WTWS-TV, New London, Connecticut and KZAR-TV, Provo, Utah; and the ownership by Jovon Broadcasting Corporation of WJYS-TV, Hammond, Indiana. KPST-TV in Vallejo, California was previously Asian-owned.

Mr. Paxson's inTV television programming service, which is currently broadcast on the PCC stations, has also been instrumental in the development of additional minority owned stations. Minority-controlled companies such as Whitehead Media and Roberts Broadcasting have affiliated with inTV as part of their successful acquisition of station in Atlanta, Cleveland, Hartford and Nashville.

These experiences convinced Mr. Paxson that the marriage of capital and programming with broadcast construction permits and licenses was the formula for a successful expansion of minority broadcasting in this country. Many of the minority owners in the late 1980s held construction permits issued by the FCC but were unable to obtain financing to build their stations. Without the financial, technical and programming support supplied by Mr. Paxson's company, these stations most certainly would have never been built and would not be on-the-air today. PCC believes that there is a unique opportunity at this time to build on and greatly expand Mr. Paxson's experiences of the late 1980s.

UNBUILT STATIONS

The passage of the Telecommunications Act of 1996, together with other recent FCC deregulatory actions, has produced unprecedented economic growth for the television broadcasting industry. With the advent of new national programming networks seeking local broadcast outlets, the cost of acquiring existing broadcast stations has skyrocketed and the cost of constructing new facilities continues to increase impacted by future DTV conversion costs.

The convergence of limited broadcast licenses, increasing capital needs and new programming sources has created, once again, an opportunity to increase the diversity of broadcast ownership and initiate new broadcast station operations.

The FCC has the unusual opportunity to help in the creation of over 100 new full-power television stations and, PCC submits, that in cooperation with companies such as PCC, this goal could be accomplished by December, 1999. Table 1 lists over fifty outstanding construction permits for new commercial television stations as of the end of January, 1997 and the number may have increased since then. Many of these permits are held by new entrants, women and minority-controlled companies. Table 2 lists nearly fifty pending single applications for construction permits for new commercial television stations. These pending applications together with the granted construction permits provide the potential authorizations for approximately 100 new commercial television stations. The issue is how to blend these 100 potential new television authorizations with the capital necessary to construct the analog and/or future DTV facilities and provide programming which is the life blood of television operations. PCC submits that these elements can be blended together quickly and efficiently with assistance from the FCC by way of rule waivers, expedited processing and other action.

PUBLIC NOTICE

PCC urges the FCC to issue a Public Notice setting the boundaries to encourage action by PCC, and similarly-situated companies, that would result in (i) the prompt construction of new television stations for which permits are outstanding and (ii) the grant of new construction permits as a prelude to the construction of additional new television stations.

Financing/Programming/Operational Agreements

For the permittees and singleton applicants, the Public Notice would set forth the following parameters for the prompt construction and initiation of broadcast operations by these stations:

- Permittees would have until December 1, 1998 to enter into written agreements with programming and/or financing sources, if they choose to do so, and to file those agreements with the FCC.
- Permittees filing such agreements with the FCC will automatically receive a 12-month extension in which to complete construction of their television facilities if the agreements comply with the FCC's Public Notice.
- The agreements may, among other items acceptable under current FCC rules, provide that up to a 33% equity interest can be held by an entity (a non-voting interest if the entity is another station in the same DMA) providing financing for the construction of the station regardless of the FCC's ownership rules or cross-interest policies; specifically, this ownership interest will not count for purposes of the 35% national audience cap and station contour overlap will not be prohibited if the stations are licensed to separate DMAs.
- The agreements may provide for a network or programming source to provide programming to the station (which can be in conjunction with providing the construction financing) and such programming arrangement may be for a 10-year term regardless of current rules or the FCC's final determination on television duopolies and/or the grandfathering of time brokerage agreements.
- The agreements may provide for the sharing of technical facilities and personnel consistent with licensee control protections as currently set forth in FCC rules and policies.
- The FCC upon reviewing such agreements and finding them to be in compliance with the provisions outlined above, will process within 60 days any necessary engineering modifications to the construction permits and,

in doing so, shall promptly review and process all waiver requests on an expedited basis.

- If the stations authorized pursuant to these agreements are not on-the-air within 12 months of the date of FCC approval of the agreement or of the issuance by the FCC of any modification application, the FCC may cancel the permit absent an extraordinary showing by the permittee.
- Singleton applicants submitting written agreements meeting the parameters outlined above, by December 1, 1998, will have their applications promptly granted.^{3/}

Ownership

- Single applicants or existing permittees will be permitted to submit agreements proposing, in the case of single applicants, a major amendment to its application substituting a "qualified entity", as hereinafter defined, as the applicant, and , in the case of an existing permittee, the assignment of the permit to a "qualified entity". A "qualified entity" shall mean New Entrants i.e., (any entity holding an attributable ownership interest in no more than three broadcast stations); a minority-controlled entity; or a female-controlled entity. (In each case as these terms are defined by current FCC broadcast rules and policies).
- In reviewing the agreements submitted by existing permittees or applicants, the FCC shall waive its restriction on the sale of unbuilt stations contained in Section 73.3597(c) of the rules provided such agreements are on file with the FCC by December 1, 1998.

Restrictions

- Television station licenses subsequently issued as a result of actions pursuant to the Public Notice shall be subject to a three-year holding period.
- The stations shall be required to develop and broadcast, at least, five hours of local weekly programming including children's core programming during the initial three years of operation (at least two hours of which shall be a half-hour or greater in duration and which shall address the needs and concerns of the station's community of license).

^{3/} The FCC may need to seek the guidance and cooperation of Congress to accomplish the granting of these applications.

TABLE 1

TABLE I

OUTSTANDING CONSTRUCTION PERMITS FOR
NEW COMMERCIAL TELEVISION STATIONS (AS OF 1/26/97)

DMA (Rank out of 225)	City, State	Call Sign	Channel	Applicant	
Philadelphia, PA (4)	Atlantic City, NJ	WACI	62	Garden State Communications	BPCT-860410KM ^{1/}
Houston, TX (11)	Conroe, TX	KTBU	55	Humanity Interested Media, Inc.	BMPCT-951026KE
Seattle-Tacoma, WA (12)	Bellevue, WA	KBEH	51	African-American Broadcasting Co.	BPCT-970224KG ^{2/}
	Seattle, WA	KHCV	45	North Pacific International TV, Inc.	BMPCT-920311KE
Minneapolis-St. Paul, MN (14)	Bemidji, MN	KAGR	26	Media Properties, L.P.	BPCT-960919KR
Tampa-St. Petersburg, FL (15)	Inverness, FL	WGOX	64	West Florida Television Limited	BPCT-930318KE
Phoenix, AZ (17)	Flagstaff, AZ	KTFL	4	WTVA, Inc.	BPCT-931110KE
	Flagstaff, AZ	KCFG	9	KM Communications, Inc.	BPCT-950317KN
	Lake Havasu City, AZ	KMCC	34	Mojave Broadcasting Co.	BPCT-941031KN
Orlando-Daytona Beach, FL (22)	Orlando, FL	WZWY	27	Reece Associates, Ltd.	BMPCT-941114KE ^{3/}

^{1/} Applicant has pending modification of permit application (BMPCT-950203KF).

^{2/} Applicant has pending construction permit application (BPCT-971210KG) to replace expired permit BPCT-970224KG.

^{3/} Applicant has pending modification of permit application (BMPCT-950612KG).

DMA (Rank out of 225)	City, State	Call Sign	Channel	Applicant	
Kansas City, MO (31)	Kansas City, MO	KCWB	32	TV 32, Inc.	BPCT-861216K4
Salt Lake City, UT (36)	Ogden, UT	KAZG	24	Utah Television, L.L.C.	BPCT-950815KE
	Saint George, UT	KUSG	12	KUTV Associates	BMPCT-910415KE
	Salt Lake City, UT	KTMW	20	Channel 20 Television Company	BPCT-950320KK
	Vernal, UT	KBCJ	6	TV 6, L.L.C.	BPCT-960919KG
Oklahoma City, OK (44)	Enid, OK	KAFU	20	G & D Communications, Inc.	BPCT-870112KE
	Shawnee, OK	KAQS	30	OKC-30 Television, L.L.C.	BPCT-950814KE
	Elk City, OK	KBCA	31	TV 31, L.L.C.	BPCT-960919KP
Albuquerque-Roswell, NM (48)	Carlsbad, NM	KUPC	25	Robert L. Mills	BPCT-960920YU
	Farmington, NM	KOFT	3	Pulitzer Broadcasting Company	BMPCT-960408KF
Jacksonville, FL (54)	Live Oak, FL	WFXU	57	Lo Telecast, L.L.C.	BPCT-971103KF
Mobile-Pensacola, FL (62)	Fort Walton Beach, FL	WAWD	58	Rainbow 58 Broadcasting, Inc.	BMPCT-930709KE ^{4/}
Wichita-Hutchinson, KS (65)	Hutchinson, KS	KAWJ	36	Three Feathers Communications, Inc.	BPCT-950703KE
	Wichita, KS	KWCV	33	Wichita Communications	BMPCT-950927KF
Toledo, OH (66)	Toledo, OH	WLMB	40	Dominion Broadcasting, Inc.	BPCT-950612KI

^{4/} Applicant has pending modification of permit application (BMPCT-941223KE).

DMA (Rank out of 225)	City, State	Call Sign	Channel	Applicant	
Lexington, KY (67)	Harlan, KY	WAGV	44	Living Faith Ministries, Inc.	BPCT-870331LR ^{5/}
	Morehead, KY	WAOM	67	B & C Communications, LLC	BMPCT-960705KF
Green Bay, WI (70)	Fond du Lac, WI	WMMF-TV	68		
Tucson, AZ (78)	Sierra Vista, AZ	KWBA	58	Sierra Television, L.L.C.	BPCT-941021KI
	Green Valley, AZ	KXGR	46	Sungilt Corp., Inc.	BMPCT-970424KF ^{6/}
Cedar Rapids-Waterloo, IA (87)	Iowa City, IA	KWKB	20	KM Communications, Inc.	BPCT-941215KG ^{7/}
Burlington-Plattsburgh, VT (91)	Burlington, VT	WFFF-TV	44	Champlain Valley Telecasting, Inc.	BMPCT-960212KG
Harlingen-Weslaco-Brownsville- McAllen, TX (104)	Rio Grande City, TX	KAIO	40	Starr County Historical Foundation	BPCT-920113KF ^{8/}
Lansing, MI (105)	Jackson, MI	WHTV	18	Jackson TV Company	BPCT-920519KF

^{5/} Applicant has pending modification of permit application (BMPCT-970616KG).

^{6/} This modification of permit application was cancelled 11/27/97. The modification application proposed to extend the time of an expired permit. The applicant does have a granted modification of permit (BMCPT-960801LM).

^{7/} Applicant has pending modification of permit application (BMPCT-960624KF).

^{8/} Applicant has pending modification of permit application (BMPCT-950612KF).

DMA (Rank out of 225)	City, State	Call Sign	Channel	Applicant	
Greenville-New Bern-Washington, NC (106)	Jacksonville, NC	WFXZ-TV	35	Gocom License, L.L.C.	BPCT-970123KE ^{9/}
Sioux Falls-Mitchell, SD (108)	Sioux Falls, SD	KAUN	36	Iowa Teleproduction Center, Inc.	BPCT-950317KM ^{10/}
	Sioux Falls, SD	KDLV	46	Red River Broadcasting Corp.	BPCT-941227KI
Peoria-Bloomington, IL (110)	Peoria, IL	WAOE	59	Peoria Broadcast Services, Inc.	BPCT-880209KJ ^{11/}
Montgomery-Selma, AL (114)	Troy, AL	WRJM-TV	67	State Door Development, Inc.	BMPCT-930525KE ^{12/}
	Tuskegee, AL	New	22	Tuskegee Associates	BPCT-870602KG
Santa Barbara-Santa Maria-San Luis-Obispo, CA (115)	Santa Barbara, CA	KPMR	38	Coast TV	BPCT-840720KG
Reno, NV (118)	Winnemucca, NV	KWNV	7	Sunbelt Broadcasting Company	BPCT-941121KH ^{13/}
Yakima, WA (124)	Pendleton, OR	New	11	Communication Properties, Inc.	BPCT-940506KG
Monroe-El Dorado, LA (132)	Columbia, LA	KAQY	11	Pears Broadcasting, Inc.	BMPCT-961122KE
Rockford, IL (135)	Janesville, WI	WHPN-TV	57	TRP Communications, L.L.C.	BMPCT-950316KF ^{14/}

9/ Applicant has pending modification of permit application (BMPCT-960515KF).

10/ Applicant has pending modification of permit application (BMPCT-970902KE).

11/ Applicant has pending modification of permit application (BMPCT-970625KF).

12/ Applicant has pending modification of permit application (BMPCT-960131KE).

13/ Applicant has pending modification of permit application (BMPCT-970527KE).

14/ Applicant has pending modification of permit application (BMPCT-971014KE).

DMA (Rank out of 225)	City, State	Call Sign	Channel	Applicant	
Sioux City, IA (141)	Sioux City, IA	KPTH	44	Pappas Telecasting of the Midlands	BPCT-950804KG
Bluefield, VA-Beckley-Oak Hill, WV (149)	Bluefield, WV	WLFB	40	Living Faith Ministries, Inc.	BMPCT-960531KE ^{15/}
Yuma-El Centro, CA (176)	Calipatria, CA	KAJB	54	Calipatria Broadcasting Com., L.L.C.	BPCT-931005KH
	El Centro, CA	KVYE	7	Entravision Holdings, LLC	BMPCT-970616KE ^{16/}
Jonesboro, AR (181)	Jonesboro, AR	KVTJ	48	Agape Church, Inc.	BMPCT-960708KH
Great Falls, MT (184)	Havre, MT	KBBJ	9	Sunbelt Communications Company	BPCT-960920LD
Grand Junction-Montrose, CO (191)	Grand Junction, CO	KFQX	4	John Harvey Rees	BMPCT-920610KK ^{17/}
Helena, MT (208)	Helena, MT	KMTF	10	Rocky Mountain Broadcasting Company	BPCT-941125KE
Agana, GU (220)	Agana, GU	KAXM	10	Pacific Communications Assoc., Inc.	BPCT-960919KU
Aquadilla-Mayaguez, PR (221)	Arecibo, PR	WMEI	60	Hector Negroni Cartagena	BMPCT-964015KE
Charlotte Amalie-Christianstead, VI (224)	Charlotte Amalie, VI	WVXF	17	Atlantic Broadcasting Corp.	BPCT-920121KY
	Christianstead, VI	WCVI-TV	27	Virgin Blue, Inc.	BPCT-960813KG

^{15/} Applicant has pending construction permit application (BPCT-970929KJ) to replace expired permit BPCT-860529KF.

^{16/} Applicant has pending license application (BLCT-980602KG).

^{17/} Applicant has pending construction permit application (BPCT-970310KE) to replace expired permits BPCT-960116KH and BPCT-920610KK. The applicant also has a pending modification of permit application (BMPCT-940711KI).

TABLE 2

TABLE 2

PENDING SINGLE APPLICATIONS FOR CONSTRUCTION PERMITS FOR
NEW COMMERCIAL TELEVISION STATIONS

DMA (Rank out of 211)	City, State	Channel	Applicant	File Number	Accepted for Cut-Off	Principal
Washington, DC (7)	Fredericksburg, VA	69	Marri Broadcasting, L.P. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033-3087	BPCT - 960920IL	No	Marri Broadcasting Corp. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033-3087
Detroit, MI (9)	Port Huron, MI	46	Larry T. Boulier, Jr. 2235 Woodstock Drive Port Huron, MI 48060 (810) 987-6775	BPCT - 950620KH	No	Larry T. Boulier, Jr. 2235 Woodstock Drive Port Huron, MI 48060 (810) 987-6775
Seattle-Tacoma, WA (12)	Olympia, WA	67	Sonoma Media Corporation P.O. Drawer 590209 Houston, TX 77259	BPCT - 960920YJ	No	Roy E. Henderson P.O. Drawer 590209 Houston, TX 77259
Minneapolis - St. Paul, MN (14)	Walker, MN	38	KSAX-TV Inc. 3415 University Avenue St. Paul, MN 55114	BPCT - 881108KG	No ^{1/}	

^{1/} According to the FCC's BAPS database, the application has not yet appeared on Cut-Off, but it was accepted for Public Notice on March 28, 1989.

DMA (Rank out of 211)	City, State	Channel	Applicant	File Number	Accepted for Cut-Off	Principal
Tampa - St. Petersburg - Sarasota, FL (15)	Sebring, FL	60	Marri Broadcasting, L.P. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033-3087	BPCT - 960920YT	No	Marri Broadcasting Corp. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033- 3087
	Inverness, FL	64	Marri Broadcasting, L.P. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033-3087	BPCT - 960711LK	No	Marri Broadcasting Corp. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033- 3087
Orlando - Daytona Beach - Melbourne, FL (22)	Kenansville, FL	31	Marri Broadcasting, L.P. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033-3087	BPCT - 960920IC	No	Marri Broadcasting Corp. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033- 3087
Raleigh-Durham (29)	Laurel Hill, NC	59	Marri Broadcasting, L.P. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033-3087	BPCT - 960920LL	No	Marri Broadcasting, L.P. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033- 3087

DMA (Rank out of 211)	City, State	Channel	Applicant	File Number	Accepted for Cut-Off	Principal
Milwaukee, WI (32)	Sheboygan, WI	28	Pappas Telecasting of America 500 S. Chinowth Road Visalia, CA 93277 (209) 733-7800	BPCT - 960722KR	No	Harry J. Pappas 500 S. Chinowth Road Visalia, CA 93277
Nashville, TN (33)	Hopkinsville, KY	51	Marri Broadcasting, L.P. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033-3087	BPCT - 960920LR	No	Marri Broadcasting Corp. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033- 3087
	Tullahoma, TN	64	Pelican Broadcasting Company 800 Skylight Office Tower 1660 West Second Street Cleveland, OH 44113-1495	BPCT - 960723LD	No	David B. Maltz 2638 Deptford Drive Beachwood, OH 44122
New Orleans, LA (41)	Hammond, LA	62	KB Communications Corporation c/o Fisher, Wayland 2001 Pennsylvania Ave, NW Suite 400 Washington, DC 20006 (202) 659-3494	BPCT - 960920LW	No	W.W. Keen Butcher 8811 Towanda Street Philadelphia, PA 19118

DMA (Rank out of 211)	City, State	Channel	Applicant	File Number	Accepted for Cut-Off	Principal
Greensboro-High Point- Winston Salem, NC (46)	High Point, NC	67	Marri Broadcasting, L.P. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033-3087	BPCT - 960920YS	No	Marri Broadcasting Corp. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033- 3087
Albany-Schenectady- Troy, NY (52)	Pittsfield, MA	51	Pappas Telecasting of America 500 S. Chinowth Road Visalia, CA 93277 (209) 733-7800	BPCT - 960724LI	No	Harry J. Pappas 500 S. Chinowth Road Visalia, CA 93277
Dayton, OH (53)	Xenia, OH	32	Pappas Telecasting of America 500 S. Chinowth Road Visalia, CA 93277 (209) 733-7800	BPCT - 960722KP	No	Harry J. Pappas 500 S. Chinowth Road Visalia, CA 93277
Charleston - Huntington, WV (57)	Charleston, WV	23	Pappas Telecasting of America 500 S. Chinowth Road Visalia, CA 93277 (209) 733-7800	BPCT - 960722KO	No	Harry J. Pappas 500 S. Chinowth Road Visalia, CA 93277
	Ashland, KY	50	Grant Telecasting, Inc. 915 Middle River Drive Ft. Lauderdale, FL 33304	BPCT- 960723KX	No	Milton Grant 2100 S. Ocean Lane Suite 1912 Ft. Lauderdale, FL 33316

DMA (Rank out of 211)	City, State	Channel	Applicant	File Number	Accepted for Cut-Off	Principal
Toledo, OH (66)	Defiance, OH	65	Pappas Telecasting of America 500 S. Chinowth Road Visalia, CA 93277 (209) 733-7800	BPCT - 960722KK	No	Harry J. Pappas 500 S. Chinowth Road Visalia, CA 93277
Roanoke-Lynchburg, VA (68)	Roanoke, VA	60	Fant Broadcast Development, LLC One Independence Plaza Suite 720 Birmingham, AL 35209 (202) 871-3268	BPCT - 960722KI	No	Anthony J. Fant 2729 11th Avenue South Birmingham, AL 35209
Green Bay-Appleton (70)	Green Bay, WI	44	Greenbay 44, L.L.C. 5923 Cromo El Paso, TX 79912 (915) 581-0306	BPCT - 960920YF	No	Pete E. Myrl Warren III 6200 Valeria El Paso, TX 79912
	Oshkosh, WI	22	Oshkosh 22, L.L.C. 120 Colina Alta El Paso, TX 79912-3722 (915) 584-2395	BPCT - 960920YL	No	Mark Leitch 120 Colina Alta El Paso, TX 79912
Champaign and Springfield - Decatur, IL (81)	Danville, IL	68	Pelican Broadcasting Co., Inc. 800 Skylight Office Tower 1660 West Second Street Cleveland, OH 44113-1495	BPCT - 960723LB	No	David B. Maltz 2638 Deptford Drive Beachwood, OH 44122

DMA (Rank out of 211)	City, State	Channel	Applicant	File Number	Accepted for Cut-Off	Principal
Huntsville-Decatur-Florence (82)	Tuscumbia, AL	52	Marri Broadcasting, L.P. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033-3087	BPCT - 960920LN	No	Marri Broadcasting Corp. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033-3087
	Arab, AL	56	Pappas Telecasting of America 500 S. Chinowth Road Visalia, CA 93277 (209) 733-7800	BPCT - 960722KS	No	Harry J. Pappas 500 S. Chinowth Road Visalia, CA 93277
Madison, WI (84)	Richland Center, WI	45	Fant Broadcast Dev., L.L.C. One Independence Plaza Suite 720 Birmingham, AL 35209 (202) 871-3268	BPCT - 960722KN	No	Anthony J. Fant 2729 11th Avenue South Birmingham, AL 35209
Columbia, SC (88)	Columbia, SC	47	Fant Broadcast Develop, LLC One Independence Plaza Suite 720 Birmingham, AL 35209 (202) 871-3268	BPCT - 960722KG	No	Anthony J. Fant 2729 11th Avenue South Birmingham, AL 35209
Jackson, MS (90)	Magee, MS	34	Marri Broadcasting, L.P. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033-3087	BPCT - 960920LS	No	Marri Broadcasting, L.P. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033-3087

DMA (Rank out of 211)	City, State	Channel	Applicant	File Number	Accepted for Cut-Off	Principal
	McComb, MS	28	Marri Broadcasting, L.P. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033-3087	BPCT - 960920YQ	No	Marri Broadcasting, L.P. c/o David P. Lampel 659 W. 183rd Street New York, NY 10033-3087
Lincoln & Hastings - Kearney Plus, NE (101)	Albion, NE	18	Anthony Fant c/o Fletcher, Heald & Hildreth 1300 N. 17th Street, 11th Floor Arlington, VA 22209	BPCT - 931115KF	Yes 1-13-94	KRBR, Inc.
Tyler-Longview (Lufkin & Nacogdoches), TX (107)	Crockett, TX	40	Warwick Communications, Inc. 910 Travis Street #2030 Houston, TX 77002 (713) 652-5833	BPCT - 960920IW	No	Inwood Investors Partnership 910 Travis Street #2030 Houston, TX 77002
	Tyler, TX	14	United Television, Inc. 132 S. Rodeo Drive 4th Floor Beverly Hills, CA 90212 (310) 281-4844	BPCT - 960920LQ	No	BHC Communications, Inc. John C. Siegel, Chairman of the Board, Director 2541 Filbert Street San Francisco, CA 94123

DMA (Rank out of 211)	City, State	Channel	Applicant	File Number	Accepted for Cut-Off	Principal
Columbus, GA (128)	Opelika, AL	50	United Television, Inc. 132 S. Rodeo Drive 4th Floor Beverly Hills, CA 90212 (310) 281-4844	BPCT - 960920IR	No	BHC Communications, Inc. John C. Siegel, Chairman of the Board, Director 2541 Filbert Street San Francisco, CA 94123
Duluth, MN - Superior, WI (134)	Duluth, MN	27	Davis Television Duluth, LLC c/o Leventhal, Senter & Lerman 2000 K St., NW Suite 600 Washington, DC 20006 (202) 429-8970	BPCT - 960920LP	No	Marvin Davis, Trustee Beverly Hills, CA
Wausau-Rhineland, WI (136)	Marshfield, WI	39	McPike Communications, Inc. 9440 Duane Lane Lincoln, NE 68505	BPCT - 960220KF	No ^{2/}	

^{2/} According to the FCC's BAPS database, the application has not been accepted for Cut-Off, but it was accepted for Public Notice on July 22, 1997.

DMA (Rank out of 211)	City, State	Channel	Applicant	File Number	Accepted for Cut-Off	Principal
Beaumont-Port Arthur, TX (137)	Beaumont, TX	21	Beaumont 21, L.L.C. 230 Thunderbird Suite L El Paso, TX 79912 (915) 587-4747	BPCT - 960724LH	No	Stephen Cooney 230 Thunderbird Suite L El Paso, TX 79912 Shiloah D. Warren 6200 Valeria El Paso, TX 79912
Topeka, KS (139)	Topeka, KS	43	Davis TV Topeka, L.L.C. c/o Leventhal, Senter & Lerman 2000 K St., NW Suite 600 Washington, DC 20006 (202) 429-8970	BPCT - 960920LZ	No	Marvin Davis, Trustee Beverly Hills, CA
Biloxi - Gulfport, MS (158)	Wiggins, MS	56	KB Communications Corporation c/o Fisher, Wayland 2001 Pennsylvania Ave, NW Suite 400 Washington, DC 20006 (202) 659-3494	BPCT - 960920LV	No	W.W. Keen Butcher 8811 Towanda Street Philadelphia, PA 19118
Sherman, TX-Ada, OK (162)	Sherman, TX	20	Zavaletta Bcg. of Sherman 844 Central BLVD. Suite 380 Brownsville, TX 78520 (210) 541-6286	BPCT - 960920YP	No	Pete E. Mryl Warren III 5925 Cromo El Paso, TX 79912

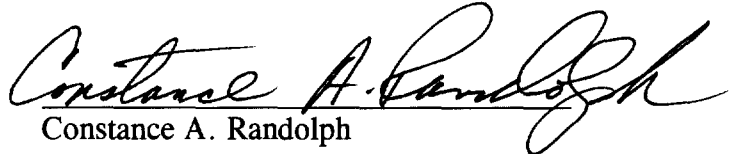
DMA (Rank out of 211)	City, State	Channel	Applicant	File Number	Accepted for Cut-Off	Principal
Salisbury, MD (163)	Seaford, DE	38	United Television, Inc. 132 S. Rodeo Drive 4th Floor Beverly Hills, CA 90212 (310) 281-4844	BPCT - 960920IS	No	BHC Communications, Inc. John C. Siegel, Chairman of the Board, Director 2541 Filbert Street San Francisco, CA 94123
Utica, NY (169)	Ilion, NY	67	Mohawk Valley Broadcasting, Inc. Greenfiel Road Rome, NY 13440 (315) 476-4963	BPCT - 890629KE	No	Kevin O' Kane RR 2, Box 73 Burleson Rd. Munnsville, NY 13409 Craig Fox 1213 Madison St. Syracuse, NY 13210
Elmira, NY (170)	Bath, NY	14	William H. Walker III P.O. Box 1341 Highland, NY 12528 (914) 883-5546	BPCT - 870331LW	Yes 7-31-87	William H. Walker III P.O. Box 1341 Highland, NY 12528 (914) 883-5546
Parkersburg, WV (186)	Parkersburg, WV	39	Riverbank Restaurants, Inc. 132 South Fourth Street P.O. Box D Marietta, OH 45750 (614) 374-2770	BPCT - 960920IE	No	Frank L. Christy 117 Springline Drive Vero Beach, FL 32963
Cheyenne, WY - Scottsbluff, NE - Sterling, CO (195)	Scottsbluff, NE	16	Wyomedia Corp. 7075 Salt Creek HWY. #1 Casper, WY 82601 (307) 577-5923	BPCT - 960111LO	No	Marvin Gussman 909 N. Whittier Dr. Beverly Hills, CA 90210

DMA (Rank out of 211)	City, State	Channel	Applicant	File Number	Accepted for Cut-Off	Principal
Victoria, TX (206)	Victoria, TX	31	Humberto Lopez 115 West Ave "D" Robstown, TX 78380 (512) 387-5396	BPCT - 960920YG	No	Humberto Lopez 115 West Ave "D" Robstown, TX 78380 (512) 387-5396

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing "Comments of Paxson Communications Corporation" was mailed via first-class U.S. mail, postage prepaid, this 24th day of May, 1999, to the following:

Barry A. Friedman, Esq.
Thompson Hine & Flory LLP
Suite 800
1920 N St., NW
Wash., D.C. 20036


Constance A. Randolph

May 24, 1999